

**EXHIBIT 1**

1 Volume:  
2 Pages: 1 - 132  
3 Exhibits: 1 - 11

3 COMMONWEALTH OF MASSACHUSETTS

4 Suffolk, ss. Superior Court  
5 No. 04-2012-F

6 MICHAEL WATSON, INDIVIDUALLY  
7 AND AS FATHER AND NEXT FRIEND  
8 OF JOHN WATSON,

8 Plaintiffs

9 vs.

10 PARTNER INDUSTRIAL PRODUCTS,

11 Defendant

12 Deposition of MICHAEL WATSON, a witness  
13 called on behalf of the Defendant, pursuant  
14 to the Massachusetts Rules of Civil  
15 Procedure, before Rosamond K. Marcy, a  
16 Certified Shorthand/Registered Professional  
17 Reporter and Notary Public in and for the  
18 Commonwealth of Massachusetts, at the Offices  
19 of Sugarman, Rogers, Barshak & Cohen, P.C.,  
20 101 Merrimac Street, Boston, Massachusetts  
21 02114, commencing at 10:00 A.M. on Thursday,  
22 August 4, 2005.

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## 1 I N D E X

2 Deposition of: DIRECT CROSS REDIRECT RECROSS  
3 MICHAEL WATSON  
4 (By Mr. Barry) 4 130  
5 (By Mr. Tobin) 127

6  
7 E X H I B I T S

8 Watson  
9 Number: For Ident.  
10 1-5 - Group of photographs 80  
11 6 - Saw 109  
12 7 - Photograph File No. 100-0848 110  
13 8 - Photograph File No. 100-0850, 111  
14 Time 11:27  
15 9 - Photograph File No. 100-0851, 112  
16 Time 11:30  
17 10 - Photograph File No. 100-0852, 115  
18 Time 11:34  
19 11 - Photograph File No. 100-0853, 115  
20 Time 11:36

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## 1 APPEARANCES:

2 JONATHAN E. TOBIN, Esquire  
3 (Finneran, Byrne, Drechsler, L.L.P.)  
4 Eastern Harbor Office Park  
5 50 Redfield Street  
6 Boston, Massachusetts 02122  
7 for the Plaintiff, Michael Watson.

8 DAVID A. BARRY, Esquire  
9 SULEYKEN D. WALKER, Attorney  
10 (Sugarman, Rogers, Barshak & Cohen, P.C.)  
11 101 Merrimac Street  
12 Boston, Massachusetts 02114  
13 for the Defendant, Partner Industrial  
14 Products.

## 15 PRESENT:

16 Lennart Gustafsson.

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## 1 STIPULATIONS

2 It is hereby stipulated and  
3 agreed by and between counsel for the  
4 respective parties that the witness will  
5 read and sign the deposition transcript  
6 within thirty days. The sealing and  
7 filing of the deposition transcript are  
8 waived.

9 It is further stipulated and  
10 agreed that all objections, except as to  
11 form, and motions to strike will be  
12 reserved to the time of trial.

13 MICHAEL WATSON,  
14 a witness called on behalf of the  
15 Defendant having first been properly  
16 identified and duly sworn, deposes and  
17 says as follows:

## 18 DIRECT EXAMINATION

## 19 BY MR. BARRY

20 Q. Good morning, Mr. Watson. I'll  
21 introduce myself to you again. My name  
22 is David Barry and I represent the  
23 defendant in the lawsuit that you've  
24 brought. I'm going to be asking you a

| Page 5  | Page 7   |
|---|--|
| 1 series of questions about your accident<br>2 and your injuries. If at any time you<br>3 don't understand a question that I ask<br>4 you would you be kind enough to tell me<br>5 that and I will try and rephrase it in a<br>6 way that you can understand it.<br>7 A. Yes.<br>8 Q. Your lawyer may have instructed you<br>9 earlier but I will just ask that you<br>10 wait until I finish my question before<br>11 you give your answer.<br>12 A. Yes.<br>13 Q. You have to answer out loud so the court<br>14 reporter can take down your answer<br>15 whatever it may be as opposed to<br>16 answering or responding with nods or<br>17 shakes of the head.<br>18 A. Okay.<br>19 Q. What is your name, sir?<br>20 A. Michal Watson.<br>21 Q. Where do you live?<br>22 A. I currently live at 24 Dana Road in<br>23 Sandwich, Massachusetts.<br>24 Q. Is that a house? | 1 A. The last day that I worked was on<br>2 December 5, 2001.<br>3 Q. Is that the date of the accident that is<br>4 the subject of this lawsuit?<br>5 A. That's correct.<br>6 Q. At that time you were working for Modern<br>7 Continental.<br>8 A. Yes, I was.<br>9 Q. Are you married?<br>10 A. I am divorced.<br>11 Q. What is your ex-wife's name?<br>12 A. Amy.<br>13 Q. Amy Watson?<br>14 A. Yes.<br>15 Q. What was her maiden name?<br>16 A. O'Halloran.<br>17 Q. When were you married to Amy O'Halloran?<br>18 A. On October 14 of 1995.<br>19 Q. Where were you married?<br>20 A. In Newton.<br>21 Q. Where does Amy Watson live?<br>22 A. In South Boston.<br>23 Q. The address?<br>24 A. 39 Old Harbor Street. |
| Page 6  | Page 8   |
| 1 A. Yes.<br>2 Q. Who owns the house?<br>3 A. A friend, Bob Wheeler.<br>4 Q. How long have you known Mr. Wheeler?<br>5 A. Approximately twelve years.<br>6 Q. Does Mr. Wheeler live in the house?<br>7 A. Yes, he does.<br>8 Q. Does anybody else live in the house<br>9 besides you and Mr. Wheeler?<br>10 A. Right now, yes. There's one other<br>11 gentleman staying there.<br>12 Q. Who is that?<br>13 A. Michael Forfia.<br>14 Q. How long have you known Mr. Forfia?<br>15 A. Approximately two years.<br>16 Q. Are you paying rent?<br>17 A. Yes.<br>18 Q. What do you pay for rent?<br>19 A. Six hundred dollars.<br>20 Q. Per month?<br>21 A. Per month.<br>22 Q. Are you currently employed?<br>23 A. No, I am not.<br>24 Q. When were you last employed?  | 1 Q. How long has she lived there?<br>2 A. About eight years.<br>3 Q. Did you live there with her at one time?<br>4 A. Yes.<br>5 Q. Was that the last place you lived<br>6 together?<br>7 A. Yes.<br>8 Q. Is this an apartment?<br>9 A. It's a condo.<br>10 Q. Who owns the condo?<br>11 A. She does now.<br>12 Q. When were you divorced?<br>13 A. August of 2003.<br>14 Q. Where were you divorced? There were<br>15 some papers filed in some county in<br>16 Massachusetts?<br>17 A. Suffolk.<br>18 Q. And you and Amy Watson have one child,<br>19 is that correct?<br>20 A. That's correct.<br>21 Q. That is your son John.<br>22 A. Yes.<br>23 Q. What is John's date of birth?<br>24 A. April 18, 2000.            |

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|  | Page 45  | Page 47 |
| 1 Q. For how long did you have that job?       | 1 concrete comes, you pour concrete until      |         |
| 2 A. About four months.                        | 2 the wall is finished. I poured a lot of      |         |
| 3 Q. Did you use any power tools?              | 3 concrete.                                    |         |
| 4 A. With them, no.                            | 4 Q. Did you use any tools?                    |         |
| 5 Q. What is the next job you had?             | 5 A. Air tools, pneumatic tools.               |         |
| 6 A. I went to work for J. Cashman working in  | 6 Q. No saws.                                  |         |
| 7 the Fort Point Channel area near the         | 7 A. No saws.                                  |         |
| 8 Post Office.                                 | 8 Q. How long did you work for Trevi Icos?     |         |
| 9 Q. J. Cashman is a big contractor on the     | 9 A. About a year.                             |         |
| 10 Big Dig.                                    | 10 Q. This gets us up to sometime in 2000.     |         |
| 11 A. Yes. He specializes in pile-driving      | 11 A. Yes.                                     |         |
| 12 work, that type of work but that's not      | 12 Q. What was the next job you had through    |         |
| 13 what I was really doing.                    | 13 the Laborers' Union?                        |         |
| 14 Q. What were you doing?                     | 14 A. I worked chipping brick at U.Mass.       |         |
| 15 A. General laborer's work, setting up,      | 15 Boston, Chapman.                            |         |
| 16 doing cleaning, jack-hammering, a lot of    | 16 Q. What does Chapman do?                    |         |
| 17 chipping. I did some pile work, built       | 17 A. They are a waterproofing company.        |         |
| 18 lagging walls, pile drivers.                | 18 Q. What did you do for them?                |         |
| 19 Q. Did you use any construction saws?       | 19 A. Chipped brick.                           |         |
| 20 A. Chain saws from time to time. On the     | 20 Q. Did you use any tools?                   |         |
| 21 lagging walls.                              | 21 A. Drills.                                  |         |
| 22 Q. What type of chain saw?                  | 22 Q. How long did you work for them?          |         |
| 23 A. Stihl and we had Husqvarna.              | 23 A. A couple of months, three months, maybe. |         |
| 24 Q. So working for J. Cashman you used chain | 24 Q. What was the next job you had?           |         |
|  | Page 46  | Page 48 |
| 1 saws and they were Stihl and Husqvarna.      | 1 A. Modern Continental.                       |         |
| 2 A. Yes, both gas-operated.                   | 2 Q. When did you start working for Modern     |         |
| 3 Q. What would you do with those chain saws?  | 3 Continental?                                 |         |
| 4 A. Cut the wood that you use for the         | 4 A. The spring of 2001.                       |         |
| 5 lagging walls.                               | 5 Q. Did you work for them right up until      |         |
| 6 Q. How long did you work for Cashman?        | 6 December 5, 2001 when you had your           |         |
| 7 A. Six months.                               | 7 accident?                                    |         |
| 8 Q. That takes us up to when, '99 sometime?   | 8 A. Yes.                                      |         |
| 9 A. Yes.                                      | 9 Q. When you worked for Modern Continental    |         |
| 10 Q. What was your next job through the       | 10 was it always on the Big Dig?               |         |
| 11 Laborers' Union?                            | 11 A. Yes.                                     |         |
| 12 A. I worked for Trevi Icos.                 | 12 Q. It wasn't some other construction        |         |
| 13 Q. What type of company is that?            | 13 project.                                    |         |
| 14 A. They primarily do slurry panels.         | 14 A. No.                                      |         |
| 15 Q. What the concrete gets poured into?      | 15 Q. What was Modern Continental's role as a  |         |
| 16 A. The walls in the tunnel. Not the finish  | 16 contractor on the Big Dig?                  |         |
| 17 walls, the actual footing walls.            | 17 A. During the time I was working for them   |         |
| 18 Q. What did you do for them?                | 18 they were the general contractors.          |         |
| 19 A. Poured a lot of concrete. Keeping the    | 19 Q. During the time you worked for Modern    |         |
| 20 area clean. They do a lot of digging        | 20 Continental was it always on one site of    |         |
| 21 and ensuring the area stays clean,          | 21 the Big Dig?                                |         |
| 22 really. There are a lot of trucks           | 22 A. Yes.                                     |         |
| 23 coming in and out and making sure the       | 23 Q. Where was that site?                     |         |
| 24 trucks get in and out. When the             | 24 A. Atlantic Avenue.                         |         |

| Page 69                                       | Page 71  |
|---|--|
| 1 often.                                      | 1 you use it, etcetera?                        |
| 2 Q. You think it was also made by Stihl?     | 2 A. We were down below the tile stripping so  |
| 3 A. I know it was.                           | 3 there would be times when we would be        |
| 4 Q. What would you do with it on the Cashman | 4 taking the wood off and I wouldn't be        |
| 5 job?  | 5 using the saw. That would go on for a        |
| 6 A. On that particular job we used it        | 6 couple of hours. Then I would go back        |
| 7 cutting pipe.                               | 7 to using the saw to cut the ribs of the      |
| 8 Q. Did you receive any instruction or       | 8 rebars that were sticking out of the         |
| 9 training in how to use it on the Cashman    | 9 wall. The last week or so there was a        |
| 10 job?                                       | 10 lot more of the saws being used. The        |
| 11 A. I don't remember.                       | 11 wood had been just about done. I was        |
| 12 Q. Did you read any Owner's Manuals        | 12 going around cutting anything that was      |
| 13 literature about it?                       | 13 still there. There were big sections        |
| 14 A. No.                                     | 14 that hadn't even been touched yet but       |
| 15 Q. How many times did you use it on the    | 15 the last week it was pretty much an         |
| 16 Cashman job?                               | 16 everyday thing pretty much all day with     |
| 17 A. A handful, five in the course of six    | 17 some exceptions. Setup time or cleanup      |
| 18 months.                                    | 18 time or moving time, moving from one        |
| 19 Q. Can you estimate the number of hours of | 19 spot to the next they had to bring all      |
| 20 use total?                                 | 20 the tools that were involved in cleaning    |
| 21 A. Maybe an hour at a time.                | 21 up the wall after I'm done. The last        |
| 22 Q. That was an electric saw as well.       | 22 week, all that week, Monday, Tuesday to     |
| 23 A. That was gas.                           | 23 Thursday, that's all we have been doing.    |
| 24 Q. That was not below ground.              | 24 Q. During that last week you were pretty    |
| Page 70                                       | Page 72  |
| 1 A. No.                                      | 1 much using the saw constantly?               |
| 2 Q. Did you use a chop saw or what is called | 2 A. Yes. A lot of these jobs you have         |
| 3 a cut-off saw, a saw of the type            | 3 different people doing different things      |
| 4 involved in your accident on any other      | 4 and you take turns. The last week            |
| 5 occasion besides your use of the saw for    | 5 that's all I was doing, I was the saw        |
| 6 three weeks to a month before the           | 6 guy.   |
| 7 accident and your use of this Stihl         | 7 Q. When you say that's all you were doing    |
| 8 gas-operated saw on the Cashman job?        | 8 did you use the saw to cut anything          |
| 9 A. I can't recall any time.                 | 9 other than cut the rebars flush to the       |
| 10 Q. The only occasions when you remember    | 10 wall?                                       |
| 11 using a saw of the type involved in your   | 11 A. I don't remember.                        |
| 12 accident were when you used the            | 12 Q. That's what you primarily remember using |
| 13 gas-operated saw on the Cashman job and    | 13 it for.                                     |
| 14 when you used the accident saw for three   | 14 A. Yes.                                     |
| 15 weeks to a month before the accident.      | 15 Q. Before you started using the saw         |
| 16 A. Those two I remember.                   | 16 involved in your accident on the Modern     |
| 17 Q. Those are the only times you can        | 17 Continental job did you get any             |
| 18 remember using a saw of this general       | 18 instruction from anybody at Modern          |
| 19 type?                                      | 19 Continental on how to use it?               |
| 20 A. The only times I can remember, yes.     | 20 A. Not that I remember.                     |
| 21 Q. Tell me about your use of the accident  | 21 Q. Did you feel you needed any instruction  |
| 22 saw during the three weeks to a month      | 22 or did you feel you really knew how to      |
| 23 before the accident and by that I mean     | 23 use the saw?                                |
| 24 what did you do with it, how often did     | 24 A. I felt like I knew how to use the saw.   |

| Page 73                                       | Page 75                                       |
|---|---|
| 1 I was very comfortable with that.           | 1 Q. You knew that it didn't stop immediately |
| 2 Q. Did you have any problems with it during | 2 as soon as you released your finger from    |
| 3 the period of time right up until the       | 3 the trigger.                                |
| 4 accident happened?                          | 4 A. Yes.                                     |
| 5 A. No.                                      | 5 Q. Did you know before your accident about  |
| 6 Q. When you were cutting rebars during that | 6 how long it took the blade to close down    |
| 7 last week particularly leading up to the    | 7 between when you released your finger       |
| 8 accident were you always on a ladder?       | 8 from the trigger and when it finally        |
| 9 A. No.                                      | 9 came to a stop, approximately?              |
| 10 Q. Sometimes you were, sometimes you       | 10 A. No.                                     |
| 11 weren't?                                   | 11 Q. It was a matter of a number of seconds? |
| 12 A. Yes.                                    | 12 A. Yes.                                    |
| 13 Q. Over the last week before the accident  | 13 Q. Did you realize before your accident    |
| 14 over what distance in the tunnel were      | 14 that if part of your body came into        |
| 15 you cutting these rebars?                  | 15 contact with the coasting blade even       |
| 16 A. To clarify we are now underneath the    | 16 after you released your finger from the    |
| 17 tunnel.                                    | 17 trigger you could be hurt?                 |
| 18 Q. What do you call this area underneath   | 18 MR. TOBIN: Objection.                      |
| 19 the tunnel?                                | 19 A. Yes.                                    |
| 20 A. The part we were working on was right   | 20 Q. And you knew you had to be careful to   |
| 21 near the Vent Shaft Building.              | 21 keep the coasting blade away from your     |
| 22 Q. Can you estimate the number of rebars   | 22 body even if it wasn't under power,        |
| 23 you had cut right up until the accident?   | 23 correct?                                   |
| 24 A. No.                                     | 24 MR. TOBIN: Objection.                      |
| Page 74                                       | Page 76                                       |
| 1 Q. Was it hundreds?                         | 1 A. Still spinning.                          |
| 2 A. Hundreds.                                | 2 Q. Still spinning after you released your   |
| 3 Q. You were aware before the accident that  | 3 finger from the trigger. That's what I      |
| 4 the blade continued to turn for some        | 4 am referring to as coasting.                |
| 5 period of time after you released your      | 5 A. Yes.                                     |
| 6 finger from the trigger, weren't you?       | 6 Q. And you knew that a coasting blade, one  |
| 7 A. Yes.                                     | 7 that was still spinning even after you      |
| 8 Q. And that was something you could see.    | 8 released your finger from the trigger of    |
| 9 The blade would continue to rotate for      | 9 the saw could injure you if you came        |
| 10 some time after you released your finger   | 10 into contact with it.                      |
| 11 from the trigger.                          | 11 A. Still spinning, yes.                    |
| 12 MR. TOBIN: Objection.                      | 12 Q. How would you turn the saw on, activate |
| 13 Q. If you were looking at the blade after  | 13 the saw?                                   |
| 14 you released your finger from the          | 14 A. There are two -- there's a name for it, |
| 15 trigger you could see that for some        | 15 I don't know the name for it, type of      |
| 16 period of time it continued to turn,       | 16 switching but you have to press those      |
| 17 correct?                                   | 17 two buttons to trigger it. When you are    |
| 18 A. Yes.                                    | 18 holding it you can't pull the trigger.     |
| 19 Q. Could you hear it until it stopped?     | 19 It locks.                                  |
| 20 A. Yes.                                    | 20 Q. The switch locks?                       |
| 21 Q. And that's something you were aware of  | 21 A. Something like that. You have to press  |
| 22 before your accident from your             | 22 the button to unlock the lock to pull      |
| 23 experience with the saw.                   | 23 the trigger.                               |
| 24 A. Yes.                                    | 24 Q. You have to press a button in order to  |

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|---|---|
| 1 unlock the trigger so that you can press<br>2 the trigger to start the saw.   | 1 A. I don't remember that morning.   |
| 3 A. Yes.   | 2 Q. You don't have to sign anything, you<br>3 just take the saw?   |
| 4 Q. Up until your accident did that<br>5 mechanism, that switch lock work<br>6 properly as far as you knew?  | 4 A. Yes.   |
| 7 A. As far as I know.  | 5 Q. So that morning you were cutting rebars<br>6 as you had been earlier that week.  |
| 8 Q. As far as you knew you weren't able to<br>9 depress the trigger of the saw unless<br>10 you first depressed the switch lock, is<br>11 that right?              | 7 A. Yes.   |
| 12 A. Right.  | 8 Q. Do you remember what time you broke for<br>9 lunch?  |
| 13 Q. At any time had you read the Owner's<br>14 Manual for the saw that was involved in<br>15 your accident before your accident<br>16 happened?                   | 10 A. Ten of twelve.  |
| 17 A. No.   | 11 Q. That was the time?  |
| 18 Q. At any time before your accident<br>19 happened had you read the Owner's Manual<br>20 or any Safety Manual for any chop saw or<br>21 saw of this type?        | 12 A. Yes.  |
| 22 A. On this job or any time?  | 13 Q. How long did you have for lunch?  |
| 23 Q. At any time before December 5, 2001 had<br>24 you read any Owner's Manual for any chop  | 14 A. We had to go back at 12:30.   |
| 1 saw?  | 15 Q. Did you bring your lunch with you?  |
| 2 A. I don't know.  | 16 A. Yes.  |
| 3 Q. Not that you can remember?   | 17 Q. Do you remember what you had that day?  |
| 4 A. Not that I can remember.   | 18 A. I don't.  |
| 5 Q. What time did you report to work on<br>6 December 5, 2001?   | 19 Q. What were you wearing?  |
| 7 A. I have to say seven in the morning.  | 20 A. I had on a pair of pants similar to the<br>ones I'm wearing, khaki-type sport<br>pants, probably a little thicker. I had<br>on an orange shirt and boots, a hard<br>hat.      |
| 8 Q. Do you remember what you did this<br>9 morning on the job?   | 24  |
| 10 A. I got the tools I needed. Our tools<br>11 were stored up top on the tunnel level.<br>12 I got the tools we needed and descended<br>13 downwards to the shaft. | Page 78   |
| 14 Q. So you brought the saw down to the<br>15 shaft.   | 1 Q. Do you still have the pants you were<br>2 wearing when you were injured?   |
| 16 A. Yes.  | 3 A. I don't.   |
| 17 Q. When you got the saw did you have to<br>18 sign it out or anything like that or did<br>19 you just take it?   | 4 Q. What type of blade was in the saw?   |
| 20 A. We have a gang box, a big tool box.<br>21 It's locked.  | 5 A. A steel-cutting fiber-type blade.  |
| 22 Q. Did you have a key to it?   | 6 Q. Do you know the dimensions of it?  |
| 23 A. Yes.  | 7 A. I don't.   |
| 24 Q. Did you open the box?   | 8 Q. Do you think you would recognize it if I<br>9 showed you a picture?  |
|   | 10 A. One like the one I was using?   |
|   | 11 Q. Yes.  |
|   | 12 A. Yes.  |
|   | 13 [Group of photographs marked<br>Watson Exhibit Nos. 1<br>through 5 for<br>Identification.]   |
|   | 17 Q. I'm going to show you a photograph we<br>18 have just marked as Exhibit 1 for<br>19 Identification and ask you if you<br>20 recognize what is shown in that<br>21 photograph. |
|   | 22 A. Yes. It's the blade of a saw sitting on<br>some wood with some stay forms on the<br>left.   |

| Page 85   | Page 87   |
|---|---|
| 1 Q. Was the saw plugged in to some sort of<br>2 extension cord at the time the accident<br>3 happened?<br>4 A. Yes.<br>5 Q. How much length was there between the<br>6 saw and the power source?<br>7 A. I would say it was a hundred-foot<br>8 extension cord. Most of them are. It<br>9 had to go down the thirty feet to get to<br>10 where I was, where that light was. The<br>11 power source would be somewhere on that<br>12 light, the light that is in one of the<br>13 exhibits, so fifty feet, seventy-five<br>14 feet.<br>15 Q. Was there any other worker who used this<br>16 saw, meaning the one involved in your<br>17 accident, during the three weeks or so<br>18 that you used it up until your accident?<br>19 A. I can't say for certain. It's been used<br>20 by other people but who I can't<br>21 remember. It would have been people<br>22 that worked in the same crew as I did.<br>23 Q. Would it be fair to say that at least<br>24 during this last week leading up to the                        | 1 we actually had to go into the tunnel to<br>2 get the forms out. This was the last<br>3 pour. Out back in the vent building<br>4 area it's probably forty feet up to the<br>5 tunnel, thirty or forty feet below the<br>6 actual tunnel. The only real access in<br>7 and out of this unless you walk to the<br>8 end of the flues is through the vent<br>9 shaft. The flues themselves are<br>10 probably only four feet. To work in<br>11 those you have to bend down. The spot I<br>12 was on was level to the actual vent<br>13 shaft floor at the base of the flues.<br>14 Q. What was the source of lighting or<br>15 illumination in the area where you were<br>16 working?<br>17 A. At the exact area at the exact time I<br>18 don't exactly recall. They had several<br>19 halogen light trees set up throughout<br>20 that could be moved around. There were<br>21 actually two sides of these flues that<br>22 run parallel to the tunnel. I was on<br>23 one side and there were people working<br>24 on the other side. It's like a |
| 1 accident you were the only person who<br>2 used this saw if you were using it full<br>3 time?<br>4 A. That would be fair.<br>5 Q. Can you paint a word picture of the area<br>6 where the accident happened?<br>7 A. The setting is just outside the vent<br>8 building, underneath the tunnel of the<br>9 vent building area at the base of the<br>10 flues I guess you could call it. Where<br>11 I am standing probably ten feet away<br>12 from me is an incline and it goes up<br>13 into the actual flues themselves. I am<br>14 down at the base probably twenty or<br>15 thirty feet from the vent building.<br>16 It's dark. There's light but in the<br>17 tunnel there are a lot of shadows being<br>18 cast, dark and a lot of noise. The<br>19 walls are all concrete. The floor and<br>20 the ceiling area all concrete. There<br>21 are rebars sticking out of the wall I am<br>22 particularly working on. This is<br>23 actually the last section of the tunnel<br>24 where we are working on, the only time | 1 turnaround point like a U shape to get<br>2 from one to the next and all around the<br>3 U shape there were lights. There were<br>4 some string lights going up around the<br>5 U shape and all around the corridors we<br>6 could set up our halogen lights<br>7 wherever we needed them. Some of them<br>8 were trees and some of them were just<br>9 little stands for them to hook onto<br>10 things. You could elevate them and hang<br>11 them from higher points.<br>12 Q. But despite this illumination you would<br>13 describe the immediate area where you<br>14 were when the accident happened as dark?<br>15 MR. TOBIN: Objection.<br>16 A. Not like daylight dark. You have light<br>17 shining in and shadows. It's a tunnel<br>18 condition. There's no sunlight. There<br>19 are a lot of shadows being cast. There<br>20 are a lot of different levels of<br>21 terrain. It goes upwards.<br>22 Q. If I can characterize it as a room, and<br>23 I'm not sure that that's a fair<br>24 characterization, how far was the room, |

|    | Page 89                                     | Page 91  |
|----|---|--|
| 1  | how tall was the room? How much             | 1 standard number. About three feet.           |
| 2  | distance between the floor and the          | 2 Q. Were you cutting from the top going down  |
| 3  | ceiling where you were at when the          | 3 to the bottom or were you working in the     |
| 4  | accident happened?                          | 4 opposite direction from the floor up to      |
| 5  | A. Probably fifteen or twenty feet.         | 5 the ceiling?                                 |
| 6  | Q. The surface was concrete, right?         | 6 A. I did all my floor work. The ceiling      |
| 7  | A. Yes.                                     | 7 work had been done, too. There was           |
| 8  | Q. Was it level?                            | 8 staging we had down there to give us a       |
| 9  | A. Where I was working was level. It was    | 9 way to work up to the top. The ladder        |
| 10 | ten, fifteen, twenty feet from the          | 10 work would have been the intermediate       |
| 11 | actual incline. I wasn't working on the     | 11 ones.                                       |
| 12 | incline.                                    | 12 Q. The really high ones you didn't use a    |
| 13 | Q. You were on a ladder when the accident   | 13 ladder, you used staging?                   |
| 14 | happened.                                   | 14 A. Yes.                                     |
| 15 | A. Yes. When the accident actually          | 15 Q. Was the staging available to be used?    |
| 16 | happened was I on the ladder? At the        | 16 A. At that point there wasn't any in the    |
| 17 | base of the ladder.                         | 17 area, no.                                   |
| 18 | Q. What type of ladder was it?              | 18 Q. Where was the staging?                   |
| 19 | A. It's generally a straight ladder.        | 19 A. I don't know. There wasn't any in the    |
| 20 | Q. Not a stepladder?                        | 20 immediate area.                             |
| 21 | A. Not a stepladder. One portion of it I    | 21 Q. Could you have used staging to make the  |
| 22 | guess would be a good way to describe       | 22 last cut that you made before you were      |
| 23 | it. It has feet. It leans up against        | 23 injured?                                    |
| 24 | the wall you are working on.                | 24 A. Would it have been another option?       |
|    | Page 90                                     | Page 92  |
| 1  | Q. What was it made of?                     | 1 Q. Yes.                                      |
| 2  | A. Aluminum.                                | 2 A. I guess so, yes.                          |
| 3  | Q. How tall was it?                         | 3 Q. Why didn't you do that?                   |
| 4  | A. I don't remember how tall it was. It     | 4 A. It wasn't available and the ladder works  |
| 5  | had to be under fifteen feet. More than     | 5 just as well if not better. It's not a       |
| 6  | ten, probably twelve.                       | 6 height.                                      |
| 7  | Q. Had you placed it up against the wall?   | 7 Q. Along the surface of the wall where the   |
| 8  | A. Yes.                                     | 8 rebar that you had just cut before your      |
| 9  | Q. What was the height from the floor to    | 9 accident was located, on that surface        |
| 10 | the ceiling of the rebars that you were     | 10 had you cut any other rebars just before    |
| 11 | cutting? Were the rebars up all along       | 11 the accident happened?                      |
| 12 | the level?                                  | 12 A. From the ladder?                         |
| 13 | A. They ran up from the floor to the        | 13 Q. I think you told me that you had cut the |
| 14 | ceiling.                                    | 14 lower ones, is that right, along that       |
| 15 | Q. In height from the floor to the ceiling? | 15 same surface of wall?                       |
| 16 | A. Fifteen to twenty feet.                  | 16 A. Right.                                   |
| 17 | Q. Going up from the floor to the ceiling   | 17 Q. And that didn't involve using a ladder.  |
| 18 | how many rebars would there be?             | 18 A. No. It's low.                            |
| 19 | A. I don't remember.                        | 19 Q. What about the higher ones, had they     |
| 20 | Q. How far apart were they spaced           | 20 been previously cut by somebody else or     |
| 21 | approximately?                              | 21 did you cut those?                          |
| 22 | A. Three feet.                              | 22 A. Some hadn't been cut. I was going back   |
| 23 | Q. Going up from the floor to the ceiling.  | 23 and doing some things that had been         |
| 24 | A. In every direction. It's probably a      | 24 missed or overlooked. Had every one of      |

|    | Page 93                                     | Page 95  |
|----|---|--|
| 1  | the top ones been cut already? I have       | 1 it's flush. That's basically what I did      |
| 2  | to say no. That had been done               | 2 and to make sure it's flush I                |
| 3  | previously to when I was doing it, I        | 3 repositioned my hands so I can grab onto     |
| 4  | believe. Someone had been up there          | 4 the saw and work my way down the ladder      |
| 5  | before me.                                  | 5 by the guard and one step at a time          |
| 6  | Q. Had you cut any other rebars besides the | 6 descend down the ladder until I am at        |
| 7  | last one that you cut before your           | 7 the bottom and when I am at the bottom I     |
| 8  | accident with the ladder in the same        | 8 switch the saw position so I can             |
| 9  | position that it was at the time you        | 9 actually walk with the saw down in a         |
| 10 | made that last cut?                         | 10 comfortable position so my hand is now      |
| 11 | A. I don't remember.                        | 11 on the base, not the blade end but the      |
| 12 | Q. Was the last rebar that you cut just     | 12 base of the saw and it's down by my side    |
| 13 | before you were injured the only rebar      | 13 and at that point in some way it came in    |
| 14 | that you cut with the ladder in that        | 14 contact with my leg and cut my leg.         |
| 15 | same position?                              | 15 Q. What rung of the ladder did you say you  |
| 16 | A. Once again I don't remember.             | 16 were on when you made the cut to the        |
| 17 | Q. How high above the floor was the rebar   | 17 best of your memory?                        |
| 18 | that you cut just before your injury,       | 18 A. The fifth or the sixth.                  |
| 19 | approximately?                              | 19 Q. How many rungs were there on this        |
| 20 | A. Ten feet.                                | 20 ladder?                                     |
| 21 | Q. As you were looking at the rebar did you | 21 A. I'm not exactly sure how tall the ladder |
| 22 | place the ladder or was the ladder          | 22 was. If it was twelve feet there would      |
| 23 | positioned to the left or to the right      | 23 be approximately twelve rungs.              |
| 24 | of that rebar?                              | 24 Q. Your feet are about halfway up the       |
|    | Page 94                                     | Page 96  |
| 1  | A. To the right.                            | 1 ladder?                                      |
| 2  | Q. The ladder is to the right of the rebar  | 2 A. Yes.                                      |
| 3  | and how far to the left of the ladder       | 3 Q. You didn't start the saw until you got    |
| 4  | was the rebar?                              | 4 positioned to make the cut, is that          |
| 5  | A. I couldn't tell you how far.             | 5 right?                                       |
| 6  | Q. Feet or inches?                          | 6 A. That's right.                             |
| 7  | A. A foot. Not too far, far enough where I  | 7 Q. How did you start the saw?                |
| 8  | could cut it. I don't know.                 | 8 A. I pressed the lock off, pulled the        |
| 9  | Q. Were you wearing safety goggles at the   | 9 trigger. Once the saw was started            |
| 10 | time of your injury?                        | 10 proceeded to make the cut on the rebar.     |
| 11 | A. Yes.                                     | 11 Q. You understand what I mean when I refer  |
| 12 | Q. Why don't you describe to me how the     | 12 to the front handle of the saw and the      |
| 13 | accident happened.                          | 13 rear handle of the saw?                     |
| 14 | A. I was probably five or six rungs up on   | 14 A. Would the front be the blade?            |
| 15 | the ladder. I had the saw in my hand.       | 15 Q. I'm going to refer to the front handle   |
| 16 | I start the saw. I make the cut. I          | 16 as the handle closer to the blade.          |
| 17 | stop the saw, took my finger off the        | 17 A. Okay.                                    |
| 18 | trigger. Repositioned the saw in my         | 18 Q. I'm going to refer to the rear handle as |
| 19 | left hand and make sure I position          | 19 the handle just above the trigger.          |
| 20 | myself on the ladder because I have to      | 20 A. Okay.                                    |
| 21 | reach across my body and make sure that     | 21 Q. Do you understand now?                   |
| 22 | the cut was made flush. In this             | 22 A. Yes.                                     |
| 23 | particular case the rebars just fell off    | 23 Q. As you made the cut where was your left  |
| 24 | so I had to reach across to make sure       | 24 hand?                                       |

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| 1 A. The front.<br>2 Q. Your left hand is on the front closer to<br>3 the blade.<br>4 A. Yes.<br>5 Q. And your right hand is on the rear<br>6 handle where the trigger is.<br>7 A. Yes.<br>8 Q. You make the cut of the rebar, correct?<br>9 A. Yes.<br>10 Q. And then you said you repositioned the<br>11 saw after you made the cut?<br>12 A. Yes, because now I have to hold it to<br>13 keep my balance on the saw. My right<br>14 hand is off the handle.<br>15 Q. When you say you reposition, the first<br>16 thing you do is take your right hand off<br>17 the rear handle, right?<br>18 A. No. It would be that I would move my<br>19 left hand. The handle on the guard on<br>20 the blade side makes the turn and I was<br>21 just repositioned to get a better hold<br>22 of it.<br>23 Q. So you don't take your left hand off the<br>24 front handle. You just change the          | 1 cut. There's a lot of noise. In this<br>2 particular instance the blade should<br>3 still be spinning.<br>4 Q. You had just removed your finger from<br>5 the trigger.<br>6 A. Yes.<br>7 Q. As you are reaching with your right hand<br>8 over across your body to feel whether<br>9 the rebar to your left had been cut<br>10 flush with the wall the blade is still<br>11 turning, it's coasting.<br>12 A. Yes.<br>13 Q. Was the rebar cut flush to the wall as<br>14 far as you remember?<br>15 A. Yes, it was.<br>16 Q. What's the next thing you do after you<br>17 determine that?<br>18 A. I am done with that cut so I go down the<br>19 ladder. Now I have to reposition my<br>20 hand again on the blade away from me.<br>21 Q. You are still talking about<br>22 repositioning your left hand.<br>23 A. Yes.<br>24 Q. So what do you do now?  |
| Page 98  | Page 100   |
| 1 position of your left hand on the front<br>2 handle, is that what you are saying?<br>3 A. That's correct.<br>4 Q. And you do that because you are about to<br>5 check to see whether you have cut the<br>6 rebar flush to the wall.<br>7 A. Yes.<br>8 Q. And you are going to do that by taking<br>9 your right hand and feeling whether you<br>10 cut the rebar flush to the wall.<br>11 A. That's correct.<br>12 Q. And at some point you do that, you take<br>13 your right hand off the rear handle and<br>14 you reach over and feel whether the<br>15 rebar has been cut flush to the wall,<br>16 correct?<br>17 A. That's right.<br>18 Q. And when you did that had the blade<br>19 stopped turning when you were feeling<br>20 the wall to see if the rebar was cut<br>21 flush to the wall?<br>22 A. No.<br>23 Q. It was still turning?<br>24 A. Given the time, yes, right after the | 1 A. I'm repositioning for balance so I want<br>2 to get a good hand on the saw so I can<br>3 still keep my balance going down.<br>4 That's what the repositioning is for.<br>5 Q. That's how you repositioned that second<br>6 time. How do you reposition it that<br>7 second time?<br>8 A. Now it would be more towards to get a<br>9 better grip so I can work my hands to<br>10 guide myself down the ladder so I can<br>11 keep my balance.<br>12 Q. How do you reposition your left hand on<br>13 the front handle the second time?<br>14 A. I want a better grip on the handle<br>15 itself. I'm holding it in one hand now<br>16 moving down the ladder but I need my<br>17 balance on top of it. I have a better<br>18 grip where the guard is, more toward the<br>19 guard. When I'm making the cut my<br>20 hand's sort of parallel away from it.<br>21 When I actually start to go down the<br>22 ladder I want it sort of right on the<br>23 guard so it's a good way to balance<br>24 myself and have a good hand on the saw. |

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|---|---|
| <p>1 Q. So you slide your left hand closer to<br/>2 the guard.<br/>3 A. Yes.<br/>4 Q. The first time you reposition it in<br/>5 order to feel whether the rebar has been<br/>6 cut flush to the wall how do you<br/>7 reposition your left hand then?<br/>8 A. It's difficult to explain. I reposition<br/>9 it after I let go with the right hand<br/>10 just so I can turn it a little bit so I<br/>11 can reach over and grab it. When I'm<br/>12 making my cut it's over here away from<br/>13 me so I'm just really guiding it. When<br/>14 I want to reactivate the saw I just want<br/>15 to grab it a little closer and the<br/>16 second reposition going down the ladder<br/>17 is just to make sure I have a good grip<br/>18 on it when I start to move for balance<br/>19 sake because now I'm moving so my<br/>20 balance is critical.<br/>21 Q. When you are moving down the ladder<br/>22 where is your right hand?<br/>23 A. It's on the rail.<br/>24 Q. On the right-hand rail of the ladder?</p> | <p>1 Q. As you are going down the ladder your<br/>2 left hand is on the front handle of the<br/>3 saw and your right hand is on the right<br/>4 rail of the ladder.<br/>5 A. Yes, as I am descending.<br/>6 Q. Where was your left hand and where was<br/>7 your right hand at the time the blade<br/>8 made contact with your left leg?<br/>9 A. When I reached the bottom of the ladder<br/>10 I switched the position of my hands from<br/>11 the front to the rear.<br/>12 Q. You are at the bottom of the ladder and<br/>13 your left hand is still on the front<br/>14 handle and your right hand on the<br/>15 ladder.<br/>16 A. Yes. When I reached the bottom I<br/>17 switched positions of my left hand from<br/>18 the front position to the rear position<br/>19 so I could walk with it.<br/>20 Q. Now you move your left hand which had<br/>21 been on the front handle to the right<br/>22 and put your right hand on the front<br/>23 handle.<br/>24 A. Yes, temporarily so I could switch to</p>                            |
| Page 102  | Page 104  |
| <p>1 A. Yes.<br/>2 Q. Where is the saw as you are moving down<br/>3 the ladder?<br/>4 A. In my left hand.<br/>5 Q. At some point as you are going down the<br/>6 ladder has the blade come to a stop?<br/>7 A. Not to my knowledge. Given that it cut<br/>8 me on the bottom I have to say no, it<br/>9 hadn't.<br/>10 Q. Could you hear it still moving?<br/>11 A. No. At this point I have ear plugs.<br/>12 Q. You had ear plugs?<br/>13 A. Yes. Besides the noise of the saw<br/>14 there's machinery moving around<br/>15 overhead. There are air tools chipping.<br/>16 There's a lot of stripping. There's a<br/>17 lot of noise. It's not a comfortable<br/>18 noise.<br/>19 Q. What rung were you on when you were cut?<br/>20 A. Whether or not my foot is actually on a<br/>21 rung or not I don't remember but I am at<br/>22 the bottom of the ladder. Whether I was<br/>23 leaning with my left foot on I don't<br/>24 remember.</p>  | <p>1 the left so I released my left hand from<br/>2 the front, put my left hand on the rear.<br/>3 Q. So you put your left hand which had<br/>4 been on the front handle on the rear<br/>5 handle.<br/>6 A. Yes, I transferred it.<br/>7 Q. And you put your right hand which had<br/>8 been on the ladder on the front handle.<br/>9 A. I put my right hand on the front first,<br/>10 let go with my left.<br/>11 Q. You first put your right hand which had<br/>12 been on the ladder on the front handle<br/>13 and then you released your left hand<br/>14 from the front handle and put it on the<br/>15 rear handle.<br/>16 A. That's correct.<br/>17 Q. And what is the next thing that happened<br/>18 after you changed hands that way.<br/>19 A. The next thing I remember is feeling a<br/>20 tingling in my leg. This is after some<br/>21 point when I had put it down by my side.<br/>22 it had come in contact with my body. I<br/>23 felt a tingling sensation in my foot. I<br/>24 wasn't sure exactly what happened. I</p> |

|    | Page 105                                    | Page 107                                       |
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| 1  | didn't know what came in contact with my    | 1 parallel with the wall or more than          |
| 2  | leg. I felt I had banged it. When I         | 2 forty-five degrees which would have it       |
| 3  | took my next step that's when I knew I      | 3 coming out more from the wall?               |
| 4  | had cut myself. I couldn't feel my          | 4 MR. TOBIN: Objection.                        |
| 5  | foot.                                       | 5 Q. Do you understand the question?           |
| 6  | Q. Did you ever start to saw again after    | 6 A. I do. I'm not sure.                       |
| 7  | you released the trigger just before        | 7 Q. Can you draw a diagram showing your       |
| 8  | reaching your right hand over to feel if    | 8 approximate position into the ladder in      |
| 9  | you had cut the rebar flush to the wall?    | 9 reference to the wall?                       |
| 10 | A. No.                                      | 10 A. How the degrees go, no.                  |
| 11 | Q. How much time would you say went by      | 11 Q. Can you tell me how far away from the    |
| 12 | between when you released your finger       | 12 wall the feet of the ladder were?           |
| 13 | from the trigger when you were on the       | 13 A. At the time, no, I can't. I couldn't be  |
| 14 | fifth or sixth rung of the ladder and       | 14 exact.                                      |
| 15 | when the blade came in contact with your    | 15 Q. Between the time you made the cut of the |
| 16 | leg?  | 16 rebar and the time when your accident       |
| 17 | A. I'm not sure. I don't know.              | 17 occurred you repositioned your hands        |
| 18 | Q. Can you estimate?                        | 18 three times on the saw. The first time      |
| 19 | A. Less than a minute.                      | 19 you did so, according to your testimony,    |
| 20 | Q. But beyond that you can't say?           | 20 was when you repositioned your left hand    |
| 21 | A. Not really.                              | 21 on the front handle after you cut the       |
| 22 | Q. Enough time for all those things that    | 22 rebar in order to reach your right hand     |
| 23 | you just described to happen.               | 23 over to see if the rebar was cut flush      |
| 24 | A. Yes.                                     | 24 to the wall. The second time you            |
|    | Page 106                                    | Page 108                                       |
| 1  | [Short recess.]                             | 1 repositioned your left hand on the front     |
| 2  | Q. Let's go back, Mr. Watson, to the point  | 2 handle of the saw was when you did so in     |
| 3  | 3 where you were making the cut of this     | 3 order to go down the ladder, and the         |
| 4  | 4 last rebar just before you were hurt.     | 4 third time you repositioned your hands       |
| 5  | 5 As you were making that cut where was     | 5 was when you got to the bottom of the        |
| 6  | 6 the saw in relation to your body?         | 6 ladder or near the bottom of the ladder      |
| 7  | A. In front of me off to my left making the | 7 and you reached your right hand which        |
| 8  | 8 cut.                                      | 8 had been on the ladder over to the front     |
| 9  | Q. How high was it in relation to your      | 9 handle and took your left hand which had     |
| 10 | 10 shoulders?                               | 10 been on the front handle and moved it to    |
| 11 | A. Between my shoulders and my waist.       | 11 the rear handle in order to carry the       |
| 12 | Q. And there was a ladder that you were on, | 12 saw, is that right?                         |
| 13 | 13 correct?                                 | 13 A. Yes.                                     |
| 14 | A. That's correct.                          | 14 Q. I just wanted to make sure I got the     |
| 15 | Q. And it was leaning up against the wall,  | 15 sequence. I think I described it            |
| 16 | 16 correct?                                 | 16 accurately. With that in mind as we         |
| 17 | A. Yes.                                     | 17 told you we have an exemplar saw here.      |
| 18 | Q. What angle, approximately, did the       | 18 It's not the saw involved in your           |
| 19 | 19 ladder make with the wall?               | 19 accident. I'm going to ask you to just      |
| 20 | A. I wouldn't be able to tell you that.     | 20 show as best you can how you were           |
| 21 | Q. Let's start with a forty-five degree     | 21 holding the saw at the various points in    |
| 22 | 22 angle. Did it make an angle less than    | 22 time that you just described. Okay?         |
| 23 | 23 forty-five degrees which would put it    | 23 A. Sure.                                    |
| 24 | 24 more parallel or closer to being         | 24 MR. BARRY: Just so the                      |

|    | Page 125                                    | Page 127                                       |
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| 1  | Do you remember that testimony?             | 1 have.  |
| 2  | A. I know what you are referring to.        | 2 CROSS-EXAMINATION                            |
| 3  | Q. Would you describe again what you        | 3 BY MR. TOBIN                                 |
| 4  | experienced when you said you felt the      | 4 Q. How has your injury affected your daily   |
| 5  | saw jerking.                                | 5 life?  |
| 6  | A. When it came in contact with me I felt   | 6 A. Other than the things that we talked      |
| 7  | like it banged off me. At first I           | 7 about earlier that were the things that      |
| 8  | didn't know it was the blade had come in    | 8 I can't do anymore more important is the     |
| 9  | contact with me. I thought I had been       | 9 effect of the relationship with my son.      |
| 10 | hit with a guard maybe to be honest with    | 10 Six months after the accident I was         |
| 11 | you. When part of the saw hit me it         | 11 separated from my wife and then             |
| 12 | felt like a bang more than a cut.           | 12 visitation was very hard just getting       |
| 13 | Obviously it had cut me. It was             | 13 used to the AFO and his visual condition    |
| 14 | bleeding but it felt like it banged         | 14 was still so bad at the time. When I        |
| 15 | against me. I don't know if "jerked" is     | 15 had my son I would take him to my mom's     |
| 16 | the right word. It just seemed like it      | 16 house because I couldn't handle him by      |
| 17 | banged against me. The first thing I        | 17 myself. His condition has actually          |
| 18 | felt was a tingling like I had been hit     | 18 improved quite dramatically. He's now a     |
| 19 | on a nerve like a funnybone. I didn't       | 19 little toddler. He's a little behind        |
| 20 | realize I had cut myself. It felt           | 20 but he's a handful.                         |
| 21 | funny. I think I just used the word         | 21 Q. Do you run and play with each other?     |
| 22 | "jerk" but I don't know if it's the         | 22 A. Yes.                                     |
| 23 | right word.                                 | 23 Q. Do you run and play with him?            |
| 24 | Q. Whether it's the right word or not did   | 24 A. Not like I would like to.                |
|    | Page 126                                    | Page 128                                       |
| 1  | you feel that sensation before you felt     | 1 Q. What can't you do with your son?          |
| 2  | the blade contact your leg?                 | 2 A. I can't really run with him at all. My    |
| 3  | MR. TOBIN: Objection.                       | 3 playing with him is limited. I just          |
| 4  | A. Just the one sensation of hitting my     | 4 sit there and watch.                         |
| 5  | leg.  | 5 Q. Mr. Watson, as you sit here today, can    |
| 6  | Q. Did you feel the saw move or jerk in any | 6 you tell us one way or another whether       |
| 7  | way before you felt the blade hit your      | 7 the saw that injured you was a twelve-       |
| 8  | leg?  | 8 or a fourteen-inch model?                    |
| 9  | A. No. The jerking feeling wasn't in my     | 9 A. No, I don't think I could.                |
| 10 | hand. It was in my leg. It felt like        | 10 Q. Mr. Watson, before this deposition you   |
| 11 | it was pulling inwards.                     | 11 reviewed your answers to                    |
| 12 | Q. Were you describing a feeling that the   | 12 interrogatories, correct?                   |
| 13 | saw moved?                                  | 13 A. Yes.                                     |
| 14 | A. I just felt it on my leg.                | 14 Q. And you specifically reviewed Answer     |
| 15 | Q. But that was after the blade contacted   | 15 No. 3, is that right?                       |
| 16 | your leg, not before.                       | 16 A. Yes.                                     |
| 17 | A. At the same time.                        | 17 Q. And there's a sentence in No. 3 that     |
| 18 | Q. Right around the same time?              | 18 says "For an hour prior to the accident     |
| 19 | A. Yes.                                     | 19 I had been cutting off rebar sections."     |
| 20 | Q. It's hard to distinguish whether it was  | 20 Do you remember that?                       |
| 21 | immediately before or immediately after.    | 21 A. Yes.                                     |
| 22 | A. Yes, it's very hard. It just wasn't a    | 22 Q. In fact, had you been cutting rebar that |
| 23 | typical bang. It was an odd feeling.        | 23 entire day?                                 |
| 24 | MR. BARRY: That's all I                     | 24 A. Yes.                                     |